

issues requiring further search and/or consideration. The Examiner is requested to exercise her discretion in this regard and enter these amendments to place the claims in condition for allowance and provide the applicants with a complete scope of protection which is clearly patentable over the cited art, for the reasons described below. Entry of the amendments is requested.

The present invention concerns a cosmetic or dermatological composition, which consists essentially of, in a physiologically acceptable medium, at least one alkanyl carbamate of formula (I) and at least one polyol chosen from non-etherified polyols, C₁-C₁₀ (poly)alkyl or C₂-C₂₀ (poly)alkenyl polyol ethers and glycosyl polyol ethers; the polyol being saturated or unsaturated, linear, branched or cyclic, bearing or not bearing a hetero atom, and bearing or not bearing additional chemical functions chosen from carbonyl and carboxyl functions; the weight ratio of compound (I) to the polyol ranges is from 0.01 to 100.

This combination has strong and long-lasting antifungal activity. These compounds permit the preparation of a composition for eliminating dandruff from the hair and the scalp and for treating inflammatory and/or desquamating skin disorders.

It has been noted in particular that combinations of these compounds at doses at which each of their individual activities is lost, remain effective and have reinforced antifungal activity.

The Section 102 rejection of claims 1-4, 6-12 and 22 over WO 96/24329 (WO'329) is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following comments.

The applicants respectfully submit that WO'329 discloses a personal care composition which includes water, dimethicone, a polymeric emulsifier, a water soluble polyol, a pH adjusting agent, an antimicrobial agent, and a chelating agent. WO'329

further discloses that the preferred antimicrobial agent includes a mixture of 1,3-bis(hydroxymethyl)-5,5-dimethylhydantoin and 3-iodo-2-propynyl butyl carbamate, and that the polyol may be chosen from a group including 1,2,4-butane triol, 1,2,6-hexane triol, and sorbitol. The Examiner asserts the polyol and the antimicrobial agent are present in the cited document in amounts that fall within the range claimed. The claims, as amended however do not include the hydantoin compound of the cited art such that the claims are submitted to be patentable over WO'329. Withdrawal of the Section 102 rejection of claims 1-4, 6-12 and 22 over WO'329 is requested.

The Section 103 rejection of claim 5 over WO 96/24329 (WO'329) is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

Claim 5, which is dependent on claim 1, has been amended, in effect, above by the distinguishing amendments to claim 1. That is, the applicants respectfully submit that claim 5 is patentable over the cited art as there was no motivation in the art to modify WO'329 to make the invention of amended claim 5. Entry of the above amendments and withdrawal of the Section 103 rejection of claim 5 over WO'329, are requested.

The Section 103 rejection of claims 1-13 and 18-22 over WO 96/24329 (WO'329) in combination with Merianos (U.S. Patent No. 5,552,425 (US'425)) is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing remarks.

The applicants respectfully submit that WO'329 teaches personal care compositions that are especially suitable for personal cleansing of the perineal area and protection against perineal dermatitis. US'425 discloses compositions providing effective synergistic protection in use formulations against a wide range of fungi and bacteria. US'425 however does not disclose a

mixture of a polyol and IPBC alone rather, like WO'329, US'425 discloses a mixture of a polyol and an admixture of (a) one or more methylol compounds and (b) IPBC. The applicants submit that US'425 even teaches that effective synergistic biocidal activity is achieved for admixtures having a weight ratio of (a): (b) of 100: 1 to 2000 :1, and that, in contrast, admixtures with (a):(b) ratios below 100: 1 e.g. 10: 1 to 50: 1 are much less synergistic.

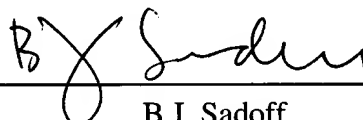
Thus, based on the disclosure of WO'329 and US'425, a methylol compound is essential to provide a good anti-fungicidal activity. It would not have been obvious to one of ordinary skill in the art to use IPBC alone in combination with a polyol, in light of this disclosure. Thus, the invention of the amended claims would not have been *prima facie* obvious over WO'329 in view of US'425.

In view of the above, the claims are submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



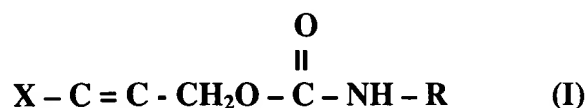
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MARKED-UP COPY OF AMENDED CLAIMS

1. (Amended) Cosmetic or dermatological composition[, characterized in that it comprises] consisting essentially of, in a physiologically acceptable medium:

- at least one alkynyl carbamate of formula (I) below:



in which:

X denotes a halogen atom

R denotes a hydrogen atom,

an alkyl group,

a hydroxyalkyl group,

- and at least one polyol chosen from non-etherified polyols, C₁-C₁₀ (poly)alkyl or C₂-C₂₀ (poly)alkenyl polyol ethers and glycosyl polyol ethers; the polyol being saturated or unsaturated, linear, branched or cyclic, bearing or not bearing a hetero atom, and bearing or not bearing additional chemical functions chosen from carbonyl and carboxyl functions.